



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hany M. AZIZ et al.

Group Art Unit: 2879

Application No.: 09/629,163

Examiner: G. Zimmerman

Filed: July 31, 2000

Docket No.: 105433

For: ANNEALED ORGANIC LIGHT EMITTING DEVICES AND METHODS OF
ANNEALING ORGANIC LIGHT EMITTING DEVICES

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

As set forth in the Restriction Requirement mailed May 10, 2002, restriction to one of the following inventions is required under 35 U.S.C. §121:

Group I: Claims 1-28; and

Group II: Claims 29-49.

Applicants hereby elect Group I with traverse.

Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement. According to M.P.E.P. § 803, there are *two* requirements that must be met before a proper Restriction Requirement can be made. These two requirements are: "The inventions must be independent ... or distinct as claimed; *and* there must be a serious burden on the Examiner if restriction is not required ..." (emphasis added). Applicants respectfully submit that the Restriction Requirement fails to establish the second requirement set forth in M.P.E.P. § 803, that a serious burden exists on the Examiner if restriction is not required between the two groups of claims.

In the present application, Group I is directed to an organic light emitting device and Group II is directed to a method of manufacturing an organic light emitting device. Because

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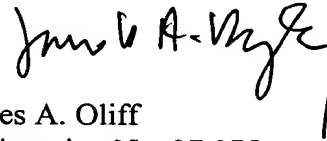
it is likely that a search of the subject matter of Group I would yield references that disclose both organic light emitting devices and methods of manufacturing organic light emitting devices, search and examination of the subject matter of Group I would likely encompass a search for the subject matter of Group II, and any additional search would not impose a serious burden on the Examiner.

It is therefore respectfully asserted that the search and examination of the entire application could be made without serious burden. M.P.E.P. § 803 states that "If the search and examination of an entire application can be made, without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Restricting the application into separate groups for related subject matter places an unreasonable burden on Applicants in view of the expenses that would be necessary to pursue separate applications directed to both groups. Accordingly, Applicants respectfully request that the Restriction Requirement be withdrawn, so that Applicants can avoid unnecessary expenses related to applications directed to both groups as well as to avoid unnecessarily duplicative examination by the Patent Office. For the foregoing reasons, reconsideration and withdrawal of the Restriction Requirement and examination of claims 1-48 on the merits are respectfully requested.

Furthermore, independent method claims 29 and 41 are method claims that include all of the limitations of the product in claim 1. MPEP § 821.04 states that "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined." Applicants respectfully request rejoinder of claims 29-48 upon allowance of claim 1.

Prompt examination is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: June 10, 2002

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